

II. **REMARKS**

In the April 28, 1998 Office Action, the Examiner rejected claims 1-4, 6, 8-11, 13 and 15 under 35 U.S.C. §102(e). The Examiner then rejected claims 5, 7, 12 and 14 under 35 U.S.C. §103(a). In the ensuing sections of this response, applicant will respond to those rejections and highlight the differences between the pending claims and the cited reference, such that it becomes apparent to the Examiner that these rejections should be reconsidered and withdrawn.

As claims 5, 7, 12 and 14 are withdrawn from consideration the Examiner's §103(a) rejection should be withdrawn.

Applicant firmly believes the following comments will convince the Examiner that the §102 rejections of claims 1-4, 6, 8-11, 13 and 15 should be reconsidered and withdrawn. In particular, applicant would like to direct the Examiner's attention to that novel part of applicant's invention encompassing a custom fitted adjustable seat and novel means for silent and rapid attachment and detachment of the seat that allows for mobility as never before possible. Applicant is unaware of anything like this in the prior art, and even the references relied on by the Examiner do not suggest the Applicant's novel invention. Therefore, applicant respectfully submit that claims 1-4, 6, 8-11, 13, 15 and 5, 7, 12 and 14 are in condition for allowance.

III. **THE INVENTION**

Specifically, this invention deals with an elevated tree stand comprising a structural support, seat and various means for attachment and detachment. Particularly, the seat is adjustable and detachable, therein allowing for the seat's complete retraction and thereby giving the user complete access to the entire platform. This enhanced access permits the user to gain unprecedented maneuverability resulting in enhanced comfort, safety and viewing opportunities of the subject.

Furthermore, the seat is of a nature that allows for a curved configuration capable of anatomical conformation to the seated user's back and posterior features. A review of the nature and means for attachment of the seat to the treestand frame demonstrates that the user is able to release the seat, thereby reducing the surface area covered by the seat and conversely "enlarging" the platform area upon which the user may maneuver. The enhanced ability to sit or retract the seat and stand with relative ease and in relative silence permits the user to quietly alter sitting comfortably and standing.

In sum, the invention embodies a custom formed seat coupled with detachable seat means. The seat has a configuration capable of custom configuration to the posture of the users. When seated the user's weight will exert a downward force that maintains a compressive contact between the recliner seat, the platform portion of the stand and the tree. In turn, on each side of the seat, approximately beside the user's knees are a rope or like support sized to be inserted into slot retainers located on the frame of the treestand. Thus, when the user assumes a reclined position, the user can quickly and quietly assume a standing position by "disengaging" the rope element from the frame. With the seat released, it swings toward the rear, allowing the user complete access to the platform. Accordingly, when the seat is retracted position, the platform is fully accessible to the user.

Thus, the invention allows for a more comfortable seat couples with the novel advantage of allowing for full access to the platform.

IV. **THE EXAMINER'S REJECTIONS**

In the April 28, 1998 Office Action, the Examiner rejected claims 1-4, 6, 8-11, 13 and 15 under 35 U.S.C. §102(e) as being "clearly anticipated by Nelson".

The Examiner rejected claims 5, 7, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable

over Nelson as "it would have been an obvious mechanical expedient, as such is conventional."

Applicant firmly believes that the comments that follow will convince the Examiner that these rejections should be reconsidered and withdrawn. In short, Applicant respectfully submit that the Examiner's reliance on Nelson, U.S. Patent No.: 5,685,395, as well as the enclosed references Shelton, U.S. Pat. No.: 4,589,522 and Shinkle, U.S. Pat. No.: 4,474,265 are misplaced. Applicant's invention is very different from what is disclosed in the cited art.

**V. THE EXAMINER'S REJECTIONS
SHOULD BE RECONSIDERED**

Applicant respectfully submits that the claims are neither anticipated nor rendered obvious by the cited references, alone or in combination. Applicant further submits that the Examiner's understanding of the present invention is misplaced and that none of the references cited by the Examiner has resorted to hindsight to reconstruct the applicant's invention.

In rejecting the pending claims, the Examiner has cited Nelson '395, which in the opinion of the Examiner anticipates claims 1-4, 6, 8-11, 13 and 15 and then renders claims 5, 7, 12, and 14 obvious.

As discussed above, the present invention is directed a custom fitted seat with a means for attachment, adjustment and detachment as never before addressed. More specifically, the custom fitted seat is supported by knotted or looped ends of cordage that is encircled within the top and bottom of the seat sling, and the knotted or looped ends are held in place by notched members on each side of the top and bottom of the support frame. Thus, to remove the seat from the frame for the purpose of standing on the platform, one must merely lift the knotted or looped ends at the bottom cordage on the sling seat and allow the seat to hang.

On the other hand, the seat sling as patented by Nelson is supported by the seat sling itself being encircled around the top and side support bars. As such, Nelson's seat sling cannot be removed from the support frame without disassembling the frame and sliding the encircled portions of the seat from the support bars.

With a review of Nelson '395 applicant respectfully submits that '395 was not designed to be adjustable nor allow for the ease by which the present disclosure teaches how to "remove" the seat from obstruction of the platform. In sum, '395 does not teach applicant's novel custom seat coupled with its novel attachment means.

More importantly, however, is the "user-friendly" nature of the disclosure. Therefore, a user with a sensitivity to heights and "small quarters" will be more inclined to feel comfortable with the present invention, as it teaches a device that allows for maximum utilization of the treestand's platform by the inventions ability retract the seat from encumbering the platform.

Accordingly, Nelson '395 fails to disclose what applicant has taught; thus use of a custom fitted seat with adjustment and release means for use in conjunction with a free standing treestand. Further, the applicant respectfully points out that standing on their own or in combination, '395, '265 and '522 fail to provide justification for the Examiner's assertions.

In conclusion, applicant's disclosure represents a dramatic departure from conventional technologies. The cited references neither teach nor suggest the novel and nonobvious features of this invention.

VI. CONCLUSION

In view of the foregoing, applicant respectfully submits that the present invention represents a patentable contribution to the art such that the application is in condition for allowance. Early and favorable action is accordingly solicited.

Respectfully submitted,

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